

SUBCHAPTER F—USER FEES

PART 130—USER FEES

Sec.

130.1 Definitions.

130.2 User fees for individual animals and certain birds quarantined in APHIS Animal Import Centers.

130.3 User fees for exclusive use of space at APHIS Animal Import Centers.

130.4 [Reserved]

130.5 User fees for services at privately operated permanent and temporary import-quarantine facilities.

130.6 User fees for import or entry services for live animals at land border ports along the United States-Mexico border.

130.7 User fees for import or entry services for live animals at all other ports of entry.

130.8 User fees for other services.

130.9 User fees for miscellaneous import or entry services.

130.10 User fees for pet birds quarantined at APHIS-owned or supervised quarantine facilities.

130.11–130.13 [Reserved]

130.14 User fees for tests performed by the NVSL or at authorized import sites (excluding FADDL).

130.15 User fees for tests performed at FADDL.

130.16 User fees for reference assistance testing.

130.17 User fees for diagnostic reagents, slide sets, and tissue sets.

130.18 User fees for sterilization by gamma radiation.

130.19 [Reserved]

130.20 User fees for endorsing export health certificates.

130.21 User fees for inspection and supervision services provided within the United States for export animals, birds, and animal products and byproducts.

130.22 User fees for inspection services outside the United States.

130.23–130.48 [Reserved]

130.49 Exemptions.

130.50 Payment of user fees.

130.51 Penalties for nonpayment or late payment of user fees.

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§ 130.1 Definitions.

As used in this part, the following terms shall have the meaning set forth in this section.

Administrator. The Administrator of the Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal. All animals except birds, but including poultry.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Animal Import Center. Quarantine facilities operated by APHIS in Newburgh, New York; Miami, Florida; and Honolulu, Hawaii.¹ The Harry S Truman Animal Import Center (HSTAIC) on Fleming Key, Florida, is not an “animal import center” within this definition.

APHIS animal health technician. An animal health technician employed by APHIS, who is authorized to perform services required by title 9, Code of Federal Regulations, chapter I.

APHIS veterinarian. A veterinarian employed by APHIS, who is authorized to perform the services required by title 9, Code of Federal Regulations, chapter I.

Approved establishment. An establishment approved by the Animal and Plant Health Inspection Service for the receipt and handling of restricted import animal products or byproducts under 9 CFR chapter I, subchapter D.

Bird. Any member of the class aves, other than poultry.

Breeding animal. Any animal imported into the United States for breeding purposes.

Diagnostic reagent. Substances used in diagnostic tests to detect disease agents or antibodies by causing an identifiable reaction.

Domestic animal. Any animal imported into the United States for any

¹The addresses of Animal Import Centers may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737–1231.

purpose other than exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.

Equine. Any horse, ass, mule, or zebra.

Export health certificate. An official document endorsed by an APHIS veterinarian which, as required by the importing country, states that animals or birds to be exported from the United States are free of certain diseases and pests.

Feeder animal. Any animal imported into the United States under 9 CFR part 93 for feeding.

Game cock. Any chicken bred, trained, or imported for cock fighting.

Germ plasm. Semen, embryos, or ova.

Grade animal. Any unregistered animal.

In-bond animal. Any animal imported into the United States under a United States Customs Service bond, as described in 19 CFR part 113.

Load. Those animals, birds, or animal germ plasm, presented for importation into the United States in a single shipment, that originate from one address, are destined for one address, and require one entry permit or authorization.

Miniature horse. Any horse which at maturity measures 34 inches high or less from the ground to the base of the last hair of the mane at the withers.

National Veterinary Services Laboratories (NVSL). The National Veterinary Services Laboratories of the Animal and Plant Health Inspection Service, located in Ames, Iowa.

National Veterinary Services Laboratories, Foreign Animal Disease Diagnostic Laboratory (FADDL). The National Veterinary Services Laboratories, Foreign Animal Disease Diagnostic Laboratory, located in Greenport, New York.

Person. An individual, corporation, partnership, trust, association, or any other public or private entity, or any officer, employee, or agent thereof.

Pet birds. Birds, except ratites, which are imported for the personal pleasure of their individual owners and are not intended for resale.

Poultry. Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys.

Privately operated permanent import-quarantine facility. Any permanent facility approved under 9 CFR part 93 to quarantine animals or birds, except facilities operated by APHIS.

Reference assistance testing. Tests conducted by APHIS at the request of a veterinarian, state animal health official, or university, to either establish or confirm a diagnosis.

Registered animal. Any animal recorded in the book of record of an animal registry association which issues certificates concerning the pedigree of animals.

Slaughter animal. Any animal moving directly to slaughter.

Standard feed. Seed, or dry feeds such as dog food or monkey biscuits, whether soaked in water or not.

State animal health official. The State official responsible for livestock and poultry disease control and eradication programs.

Test. A single analysis performed on a single specimen from an animal, animal product, commercial product, or animal feed.

United States. The several States of the United States, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

Zoo animal. Any animal, including poultry, intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.²

Zoo bird. Any bird intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals or birds for recreational or educational purposes.³

Zoo equine. Any equine intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.⁴

²Regulations concerning approval of zoos and requirements for importing wild animals are found in part 93 of this chapter.

³See footnote 2.

⁴See footnote 2.

§ 130.2

9 CFR Ch. I (1–1–98 Edition)

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38957, July 21, 1993; 58 FR 67654, Dec. 22, 1993; 59 FR 67617, Dec. 30, 1994; 61 FR 20432, May 7, 1996; 62 FR 56026, Oct. 28, 1997]

§ 130.2 User fees for individual animals and certain birds quarantined in APHIS Animal Import Centers.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for the following user fees, which include standard care, feed, and handling, and which must be paid for each animal or bird quarantined in an Animal Import Center⁵:

Animal or bird	Daily
Birds (including zoo birds, but excluding ratites and pet birds imported in accordance with part 93 of this subchapter):	
0–250 grams	\$1.00
251–1,000 grams	3.25
Over 1,000 grams, and any bird in nonstandard housing or receiving nonstandard care and handling	7.50
Ratites:	
Chicks (less than 3 months of age)	5.75
Juveniles (3 months through 10 months of age)	8.00
Adults (11 months of age and older) ..	16.25
Poultry (including zoo poultry):	
Doves, pigeons, quail	2.00
Chickens, ducks, grouse, guinea fowl, partridge, pea fowl, pheasants	3.50
Game cocks, geese, swans, turkeys, any poultry housed in nonstandard housing or receiving nonstandard care and handling	8.25
Equines (including zoo equines, but excluding miniature horses):	
1st through 3rd day	149.50
4th through 7th day	108.25
8th and later days	91.75
Miniature horses	40.25
Zoo animals (except equines, birds, and poultry)	32.25
Domestic animals:	
Camels, cattle, bison, buffalo	56.50
All others	15.00

(b) The importer may, at his or her option, request that birds or poultry be housed in nonstandard housing. Nonstandard housing is individual housing, any housing not normally available at the Animal Import Center, any housing constructed or purchased at the request of the importer, any housing with blinds, dense foliage, or plants, and any housing where the temperature can be adjusted.

⁵ APHIS Animal Import Centers are located in Honolulu, HI, Miami, FL, and Newburgh, NY. The addresses of these facilities are published in part 93 of this chapter.

(c) The importer may, at his or her option, request that birds or poultry be given nonstandard care and handling. Nonstandard care and handling includes hand-feeding, more than one feeding a day, frequent observation, and any handling or observation which requires personnel to attend to the birds or poultry outside of normal business hours.⁶

(d) If any bird or poultry is fed a diet other than seed, including but not limited to diets of fruit, insects, nectar or fish, the importer must either provide feed or pay for it on an actual cost basis, including the cost of delivery to the Animal Import Center.

(e) Any reservation fee paid by the importer under part 93 of this chapter, will be applied to the APHIS user fees due for animals or birds quarantined in an Animal Import Center.

(Approved by the Office of Management and Budget under control number 0579–0094)

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38958, July 21, 1993; 58 FR 67654, Dec. 22, 1993; 61 FR 20432, May 7, 1996; 62 FR 56026, Oct. 28, 1997]

§ 130.3 User fees for exclusive use of space at APHIS Animal Import Centers.

(a)(1) An importer may, at his or her option, exclusively occupy space at APHIS Animal Import Centers as specified below. The person for whom the service is provided and the person requesting the service are jointly and severally liable for the user fee which will be charged for the space as follows:

Animal import center	Space available	Monthly user fee
Miami, FL:		
South Wing ...	6,952 sq. ft. (645.9 sq. m.)	\$30,285.00
North Wing ...	6,545 sq. ft. (608.1 sq. m.)	29,377.00
Newburgh, NY:		
Space A	5,904 sq. ft. (548.5 sq. m.)	47,609.00
Space B	9,742 sq. ft. (905 sq. m.)	78,555.00

(2) Any importer who occupies space for more than 30 days must pay 1/30th

⁶ Normal business hours at the Animal Import Centers are: 7:30 a.m. to 11:30 a.m., Honolulu, HI; 7 a.m. to 3:30 p.m., Miami, FL; and 8 a.m. to 4:30 p.m., Newburgh, NY.

of the 30-day fee for each additional day or part of a day. The person for whom the service is provided and the person requesting the service are jointly and severally liable for any additional charges.

(3) Unless the importer cancels the reservation for exclusive use of space in time to receive a refund of the reservation fee in accordance with 9 CFR 93.103, 93.204, 93.304, 93.404, or 93.504, as appropriate, the 30-day user fee will be effective as of the first day for which the importer has reserved the space, regardless of whether the user occupies the space on that date or not.

(b) Users must provide APHIS personnel at the Animal Import Center, at the time they make a reservation for quarantine space, with the following information:

- (1) Species of animals and birds to be quarantined;
- (2) Ages of animals and birds to be quarantined; and
- (3) Sizes of animals and birds to be quarantined.

(c)(1) APHIS personnel at the Animal Import Center will determine, based on the information provided by the importer under paragraph (b) of this section, and on routine husbandry needs, the maximum number of animals and birds permitted in the requested building.

(2) If the number of animals and birds requested by the importer can be housed in the space requested, as determined by APHIS personnel at the Animal Import Center, but two animal health technicians cannot fulfill the routine husbandry needs of the number of animals or birds proposed by the importer, then the importer must pay for additional services on an hourly basis, or reduce the number of animals or birds to be quarantined to a number which APHIS personnel at the Animal Import Center determine can be handled by two animal health technicians.

(3) If the importer chooses to pay for additional services on an hourly basis, the user fees for each employee required to perform the service are:

- (i) \$56.00 per hour;
- (ii) \$14.00 per quarter-hour;
- (iii) With a minimum of \$16.50.
- (d) The importer must provide feed, or pay for it on an actual cost basis, in-

cluding cost of delivery to the Animal Import Center.

(Approved by the Office of Management and Budget under control numbers 0579-0040 and 0579-0094)

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 67654, Dec. 22, 1993; 61 FR 20432, May 7, 1996; 62 FR 56026, Oct. 28, 1997]

§ 130.4 [Reserved]

§ 130.5 User fees for services at privately operated permanent and temporary import-quarantine facilities.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for paying the user fee for each animal quarantined in a privately operated permanent or temporary import-quarantine facility.

(b) The user fees are:

- (1) \$56.00 per hour; and
- (2) \$14.00 per quarter-hour;

(3) With a minimum user fee of \$16.50 for any service provided on an hourly basis.

(c) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then the premium user fee rate, as provided for in 9 CFR part 97, in lieu of the user fee listed in paragraph (b) of this section, must be paid for each employee required to perform each service:

- (1) \$65.00 per hour for weekdays and holidays;
- (2) \$16.25 per quarter-hour for weekdays and holidays;
- (3) \$74.00 per hour for Sundays;
- (4) \$18.50 per quarter-hour for Sundays;
- (5) With a minimum of \$16.50.

(Approved by the Office of Management and Budget under control number 0579-0094)

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38958, July 21, 1993; 58 FR 67655, Dec. 22, 1993; 61 FR 20433, May 7, 1996]

§ 130.6 User fees for import or entry services for live animals at land border ports along the United States-Mexico border.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally

§ 130.7

9 CFR Ch. I (1–1–98 Edition)

liable for payment of the following user fees, with a minimum fee of \$16.50, for live animals presented for importation into or entry into the United States through a land border port along the United States-Mexico border:

Type of live animal	User fee (per head)
Feeder	\$1.75
Slaughter	2.50
Horses, other than slaughter	29.25
In-bond or in transit	3.75
Any ruminants not covered above	6.00

(b) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then reimbursable overtime, as provided for in 9 CFR part 97, must be paid for each service, in addition to the user fee listed in this section.

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

[58 FR 67655, Dec. 22, 1993, as amended at 61 FR 20433, May 7, 1996]

§ 130.7 User fees for import or entry services for live animals at all other ports of entry.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of the following user fees, with a minimum fee of \$16.50, for live animals presented for importation into or entry into the United States through any port of entry other than a land border port along the border between the United States and Mexico:

Type of live animal	User fee
Animals being imported into the United States:	
Horses, other than slaughter and in transit.	\$19.00 per head.
Breeding animals (Grade animals, except horses):	
Swine	0.50 per head.
Sheep and goats	0.50 per head.
All others	2.25 per head.
Registered animals, all types	4.00 per head.
Feeder animals:	
Cattle (not including calves)	1.00 per head.
Swine	0.25 per head.
Sheep and calves	0.25 per head.
Slaughter animals, all types	16.50 per head.
Poultry (including eggs), imported for any purpose.	33.00 per load.
Animals transiting ¹ the United States:	
Cattle	1.00 per head.
Swine	0.25 per head.
Sheep and goats	0.25 per head.
Horses and all other animals	4.50 per head.

¹The user fee in this section will be charged for intranet authorizations at the port where the authorization services are performed. For additional services provided by APHIS, at any port, the applicable hourly user fee will apply.

(b) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then reimbursable overtime, as provided for 9 CFR part 97, must be paid for each service, in addition to the user fee listed in this section.

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

[58 FR 67655, Dec. 22, 1993, as amended at 61 FR 20433, May 7, 1996]

§ 130.8 User fees for other services.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of user fees for the following services:

Service	User fee
Inspection for approval of slaughter establishment:	
Initial approval	\$246.50 for all inspections required during the year.
Renewal	213.50 for all inspections required during the year.
Pet birds, except pet birds of U.S. origin entering the United States from Canada:	
Which have been out of United States more than 60 days	169.75 per lot.
Which have been out of United States 60 days or less	71.25 per lot.
Germ Plasm Being imported: ¹	
Semen	39.50 per load.
Embryo	39.50 per load.
Germ Plasm Being exported: ²	
Semen	33.50 per certificate.
Embryo (up to 5 donor pairs)	54.75 per certificate.

Animal and Plant Health Inspection Service, USDA

§ 130.10

Service	User fee
Embryo (each additional group of donor pairs, up to 5 pairs per group, on the same certificate).	24.75 per group of donor pairs.
Processing VS form 16-3, "Application for Permit to Import Controlled Material/Import or Transport Organisms or Vectors":	
For permit to import fetal bovine serum when facility inspection is required.	208.50 per application.
For all other permits	27.50 per application.
Amended application	11.50 per amended application.
Application renewal	15.00 per application.
Fetal Bovine Serum sample verification	666.00 per verification.
Import compliance assistance	24.00 per release.
Release from export agricultural hold	24.00 per release.
Inspection of approved establishments, warehouses, and facilities under 9 CFR parts 94 through 96:	
Approval (Compliance Agreement)	262.75 for first year of 3-year approval (for all inspections required during the year).
Renewed approval	152.00 per year for second and third years of 3-year approval (for all inspections required during the year).

¹ For inspection of empty containers being imported into the United States, the applicable hourly user fee would apply, unless a user fee has been assessed under 7 CFR part 354.3.

² This user fee includes a single inspection and resealing of the container at the APHIS employee's regular tour of duty station or at a limited port. For each subsequent inspection and resealing required, the applicable hourly user fee would apply.

(b) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then reimbursable overtime, as provided for in part 97 of this chapter, must be paid for each service, in addition to the user fee listed in this section.

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[58 FR 67655, Dec. 22, 1993, as amended at 61 FR 20434, May 7, 1996]

§ 130.9 User fees for miscellaneous import or entry services.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of user fees for any import or entry services listed below, of \$56.00 per hour, or \$14.00 per quarter hour, with a minimum fee of \$16.50, for each employee required to perform the service:

(1) Conducting inspections, including laboratory and facility inspections, required to obtain permits either to import animal products, organisms and vectors, or to maintain compliance with import permits;

(2) Obtaining samples required to be tested either to obtain import permits or to ensure compliance with import permits;

(3) Supervising the opening of in-bond shipments; and

(4) Other import or entry services not specified elsewhere in this part.

(b) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then the premium user fee rate, as provided for in 9 CFR part 97, in lieu of the user fee listed in paragraph (a) of this section, must be paid for each employee required to perform each service:

(1) \$65.00 per hour for weekdays and holidays;

(2) \$16.25 per quarter-hour for weekdays and holidays;

(3) \$74.00 per hour for Sundays;

(4) \$18.50 per quarter-hour for Sundays;

(5) With a minimum of \$16.50.

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[58 FR 67655, Dec. 22, 1993, as amended at 61 FR 20434, May 7, 1996]

§ 130.10 User fees for pet birds quarantined at APHIS-owned or supervised quarantine facilities.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for the following user fees, which include standard care, feed, and handling, and which must be paid for each

§§ 130.11–130.13

animal or bird quarantined in an Animal Import Center⁷ or other APHIS owned or supervised quarantine facility:

Number of birds in isolette	Daily user fee
1	\$6.50
2	7.75
3	9.25
4	10.75
5	12.00

(b) Based on the information provided to APHIS personnel, APHIS personnel at the Animal Import Center or other APHIS owned or supervised quarantine facility will determine the appropriate number of birds that should be housed per isolette.

(c) If the person or persons for whom the service is provided or the person or persons requesting the service request additional services on an hourly basis, the user fees for each employee required to perform the service are:

- (1) \$56.00 per hour;
- (2) \$14.00 per quarter-hour;
- (3) With a minimum of \$16.50.

(Approved by the Office of Management and Budget under control number 0579–0094)

[61 FR 20434, May 7, 1996; 61 FR 25513, May 21, 1996, as amended at 62 FR 56026, Oct. 28, 1997]

§§ 130.11–130.13 [Reserved]

§ 130.14 User fees for tests performed by the NVSL or at authorized import sites (excluding FADDL).

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of user fees for each test listed in this paragraph performed at NVSL or at authorized import sites (excluding FADDL) in connection with the importation or exportation of animals or birds. All user fees in this paragraph are per test, unless stated otherwise:

Test	User fee
Agar gel immunodiffusion	\$4.75
Buffered acidified plate antigen presumptive	3.50
Card	2.00

⁷ APHIS Animal Import Centers are located in Honolulu, HI, Miami, FL, and Newburgh, NY. The addresses of these facilities are published in part 93 of this chapter.

9 CFR Ch. I (1–1–98 Edition)

Test	User fee
Competitive enzyme linked immunosorbent assay	4.75
Complement fixation (includes Complement fixation-ovis) ¹	9.00
Enzyme linked immunosorbent assay	4.75
Hemagglutination inhibition (includes Hemagglutination inhibition-5) ¹	7.50
Histopathology	² 8.50
Indirect fluorescent antibody	9.00
Latex agglutination	4.75
Mercaptoethanol	3.50
Microscopic agglutination	(³)
Plaque neutralization	7.50
Parasitology	17.00
Plate	3.50
Rivanol	3.75
Tube agglutination (includes tube agglutination melitensis)	3.50
Virus neutralization ¹	7.50

¹ Tests with multiple and subsequent antigens can be set up for a fraction of the cost of multiple single-antigen tests. Tests subsequent to the first antigen used for these assays are reduced down to 20% of the cost of using the first antigen. The following are examples of these cost savings: complement fixation (CF) tests for equine encephalomyelitis or vesicular stomatitis; hemagglutination inhibition (HI) for equine encephalomyelitis or equine influenza; virus neutralization (VN) tests for porcine respiratory and reproductive syndrome. For example, for CF tests for eastern equine encephalomyelitis (EEE), western equine encephalomyelitis (WEE), and Venezuelan equine encephalomyelitis (VEE) and for VN tests for the New Jersey and Indiana serovars of vesicular stomatitis (VS), the costs are as follows: EEE—\$9.00, WEE and VEE—\$2.00 each; VS New Jersey—\$7.50, VS Indiana—\$1.50. The total of these five assays is \$22.00 for each specimen submitted.

² Per slide.

³ \$10 per accession, plus \$2.00 for each serovar in excess of five serovars per accession.

(b) If a test must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then reimbursable overtime, as provided for in part 97 of this chapter, must be paid for performing each test, in addition to the user fee listed in paragraph (a) of this section.

(c) The user fees in this section do not include any costs that may be incurred due to special mail handling, such as express, overnight, or foreign mailing. If a test requires special mail handling, all costs incurred must be paid by the user as specified in paragraph (a) of this section, in addition to the user fee listed in paragraph (a) of this section.

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

[58 FR 38958, July 21, 1993, as amended at 61 FR 20435, May 7, 1996]

§ 130.15 User fees for tests performed at FADDL.

(a) The person for whom the service is provided and the person requesting

Animal and Plant Health Inspection Service, USDA

§ 130.16

the service are jointly and severally liable for payment of user fees for each test listed in this paragraph performed at FADDL in connection with the importation or exportation of animals or birds. All user fees in this paragraph are per test, unless stated otherwise:

Test	User fee
Agar gel immunodiffusion	\$13.50
Complement fixation ¹	30.50
Direct immunofluorescent antibody	9.50
Enzyme linked immunosorbent assay	11.00
Fluorescent antibody neutralization	22.00
Histopathology	² 20.75
In-vivo safety tests	4,177.00
Indirect fluorescent antibody	21.50
Latex agglutination	9.25
Virus isolation	77.75
Virus isolation (Oesophageal/pharyngeal)	80.00
Virus isolation in embryonated eggs	163.75
Virus neutralization ¹	22.00

¹ Tests with multiple and subsequent antigens can be set up for a fraction of the cost of multiple single-antigen tests. Tests subsequent to the first antigen used for these assays are reduced down to 20% of the cost of using the first antigen. The following assays are examples of these cost savings: complement fixation (CF) tests for foot-and-mouth disease or vesicular stomatitis; virus neutralization (VN) tests for foot-and-mouth disease or vesicular stomatitis. For example, for CF and VN tests for foot-and-mouth disease A, O, and C antigens, the costs are as follows: CF A antigen—\$30.50, O antigen—\$6.25, and C antigen—\$6.25; VN A antigen—\$22.00, O antigen—\$4.50, and C antigen—\$4.50. The total of these six assays is \$74.00 for each specimen tested for these antigens.

² Per slide.

(b) If a test must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then reimbursable overtime, as provided for in part 97 of this chapter, must be paid for performing each test, in addition to the user fee listed in paragraph (a) of this section.

(c) The user fees in this section do not include any costs that may be incurred due to special mail handling, such as express, overnight, or foreign mailing. If a test requires special mail handling, all costs incurred must be paid by the user as specified in paragraph (a) of this section in addition to the user fee listed in paragraph (a) of this section.

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579-0094)

[58 FR 38958, July 21, 1993, as amended at 61 FR 20435, May 7, 1996]

§ 130.16 User fees for reference assistance testing.

(a) The person for whom the service is provided and the person requesting

the service are jointly and severally liable for payment of user fees for each reference assistance test listed in this paragraph. All user fees in this paragraph are per test, unless stated otherwise:

Test	User fee
(1) Bacterial identification tests:	
Bacterial identification/isolation, routine	\$15.00
Bacteriology requiring special characterization ...	25.00
Leptospira cultures	25.00
Leptospira serotyping	75.00
Phage typing	10.00
Plasmid typing	25.00
Salmonella serotyping	20.00
(2) Toxicology tests:	
GC/MS organic compound—Screen	106.50
Confirmation	31.00
ICP metals—Screen	26.25
Confirmation	6.00
Mycotoxin screen	30.75
Selenium	30.50
Pesticide—Screen	34.25
Quantitation	47.50
Other toxicant—Screen	39.75
Quantitation	39.75
(3) Other tests:	
Complement fixation (includes complement fixation-ovis) ¹	9.00
Agar gel immunodiffusion	4.75
Hemagglutination inhibition (includes hemagglutination-5) ¹	7.50
Histopathology	² 8.50
Indirect fluorescent antibody	9.00
Parasitology	17.00
Virus isolation (except Newcastle disease virus)	29.75
Virus isolation for Newcastle disease virus	14.00
Virus neutralization	7.50

¹ The user fees listed are for the first complement fixation (CF), hemagglutination inhibition (HI), and virus neutralization (VN) test performed on a sample. The user fee for each additional test of the same type (CF, HI, or VN) performed on the same sample is 20% of the stated user fee, rounded up to the nearest quarter of a dollar. For example, if two CF tests, one HI, and one VN test are performed on the same sample, the user fees are \$9.00 for the first CF test, \$7.50 for the HI test, \$7.50 for the VN test, and, for the second CF test, \$2.00, or \$1.80 (20% of \$9.00) rounded up to the nearest quarter of a dollar.

² Per slide.

(b) If a test must be conducted on a Sunday or holiday, or at any other time outside the regular tour of duty of the employee, then reimbursable overtime, as provided for in part 97 of this chapter, must be paid for performing each test, in addition to the user fee listed in paragraph (a) of this section.

(c) The user fees in this section do not include any costs that may be incurred due to special mail handling, such as express, overnight, or foreign mailing. If a test requires special mail handling, all costs incurred must be paid by the user as specified in paragraph (a) of this section in addition to

§ 130.17

9 CFR Ch. I (1–1–98 Edition)

the user fee listed in paragraph (a) of this section.

(Approved by the Office of Management and Budget under control numbers 0579–0055 and 0579–0094)

[58 FR 38958, July 21, 1993, as amended at 61 FR 20435, May 7, 1996]

§ 130.17 User fees for diagnostic reagents, slide sets, and tissue sets.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of user fees for each diagnostic reagent listed in this paragraph and obtained from NVSL:

Diagnostic reagent	Unit (ml.)	Fee/ unit
Avian adenovirus 127:		
Antigen	2	\$39.50
Antiserum	2	21.75
Avian encephalomyelitis:		
Virus	0.6	5.25
Antiserum	2	21.75
Avian influenza:		
Antigen	2	8.75
Antiserum	6	51.00
Avian paramyxovirus-2:		
Virus	0.6	5.25
Antigen	2	39.50
Antiserum	2	21.75
Avian paramyxovirus-3:		
Virus	0.6	5.25
Antigen	2	39.50
Antiserum	2	21.75
Avian reovirus:		
Virus	0.6	5.25
Bluetongue:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Bovine coronavirus:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Bovine herpes virus:		
Virus:		
Type 1	0.6	5.25
Type 2	0.6	5.25
Type 4	0.6	5.25
Bovine herpes virus continued:		
Antiserum:		
Type 1	2	83.50
Type 2	2	83.50
Type 4	2	83.50
Conjugate:		
Type 1	1	19.25
Type 2	1	19.25
Type 4	1	19.25
Positive control serum:		
Type 1	2	4.50
Type 2	2	4.50
Bovine papular stomatitis:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Bovine parvovirus:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Positive control serum	2	4.50
Bovine respiratory syncytial virus:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Positive control serum	2	4.50
Bovine rotavirus:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Bovine viral diarrhea:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Positive control serum	2	4.50
Brucella canis:		
Antigen	2	8.25
Brucella ovis:		
Antigen	2	5.50
Chlamydia psittaci:		
Agent	0.6	5.25
Antiserum	1	21.75
Antigen	1	5.25
Conjugate	1	19.25
CF modifying factor	1	11.50
Contagious ecthyma:		
Virus	0.6	5.25
CF antigen	1	7.00
Antiserum	2	5.25
Conjugate	1	19.25
Duck viral enteritis:		
Virus	0.6	5.25
Antiserum	2	21.75
Conjugate	1	31.25
Encephalomyo-carditis:		
Virus	0.6	5.25
Antiserum	2	57.50
Conjugate	1	19.25
Positive control serum	2	6.25
Epizootic hemorrhagic disease:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Equine adenovirus:		
Virus	0.6	5.25
Antiserum	2	11.50
Conjugate	1	24.00
Equine herpes type 1:		
Virus	0.6	5.25
Antiserum	2	11.50
Conjugate	1	24.00
Equine herpes type 2:		
Virus	0.6	5.25
Antiserum	2	11.50
Equine herpes type 3:		
Virus	0.6	5.25
Antiserum	2	11.50
Equine influenza:		
Virus	0.6	5.25
Antiserum	2	21.75
Equine viral arteritis:		
Virus	0.6	5.25
Antiserum	5	48.25
Hemagglutinating encephalomyelitis:		
Virus	0.6	5.25
Antiserum	2	57.50
Conjugate	1	19.25
Positive control serum	2	6.25
Hog Cholera:		
Tissue set	(¹)	76.75
Infectious bronchitis virus:		
Virus	0.6	4.50

Animal and Plant Health Inspection Service, USDA

§ 130.18

Diagnostic reagent	Unit (ml.)	Fee/ unit
Antiserum	2	21.75
Infectious bursal disease:		
Virus	0.6	5.25
Antigen	1	8.00
Antiserum	2	21.75
Infectious laryngotracheitis:		
Virus	0.6	5.25
Antiserum	2	21.75
Johnin:		
OT	2	12.25
PPD	2	10.75
Lepto FA:		
Conjugate	1	19.25
Flazo-orange	3	6.00
Leptospira:		
Antigen	10	20.00
Antiserum	2	4.50
Lepto transport medium	10	3.00
Newcastle disease:		
Virus	0.6	5.25
Antigen	2	39.50
Antiserum	2	21.75
Parainfluenza-3:		
Virus	0.6	5.25
Antiserum	2	83.50
Conjugate	1	19.25
Positive control serum	2	6.25
Pasteurella:		
Antigen	1	3.50
Antiserum	1	10.00
Porcine adenovirus (AV):		
Virus	0.6	5.25
Antiserum	2	57.50
Conjugate	1	19.25
Porcine parvovirus (PPV):		
Virus	0.6	5.25
Antiserum	2	57.50
Conjugate	1	19.25
Positive control serum	2	6.25
Porcine reovirus:		
Virus	0.6	5.25
Antiserum	2	57.50
Conjugate	1	19.25
Porcine rotavirus:		
Virus	0.6	5.25
Antiserum	2	57.50
Conjugate	1	19.25
Positive control serum	2	6.25
Psittacine herpes virus:		
Virus	0.6	5.25
Antiserum (standard)	2	21.75
Conjugate	1	24.00
Quail bronchitis virus:		
Virus	0.6	5.25
Swine influenza:		
Virus	0.6	5.25
Antiserum	2	57.50
Conjugate	1	19.25
Positive control serum	2	6.25
Transmissible gastroenteritis:		
Virus	0.6	5.25
Antiserum	2	57.50
Conjugate	1	19.25
Positive control serum	2	6.25

¹ 1 set.

(b) The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of user fees for each diagnostic reagent, slide set, or tissue

set listed in this paragraph and obtained from NVSL or FADDL for delivery outside of the United States:

Diagnostic reagent, slide set, tissue set	Unit (ml.)	Fee/ unit
African swine fever—		
Immunosmophoresis antigen	1	60.75
Slide set for direct fluorescent antibody test	(¹)	23.00
Tissue set	(¹)	76.75
Anti-foot-and-mouth disease antigen, Guinea pig origin	1	12.75
Bovine antiserum, any agent	1	2.50
Fluorescent antibody conjugate	1	48.50
Foot-and-mouth disease anti-VIAA serum	1	5.00
Foot-and-mouth disease virus associated antigen	1	36.75
Monoclonal antibodies, mouse ascitic fluid	1	14.75
Ovine antiserum, any agent	1	2.00
Swine antiserum, any agent	1	2.00

¹ 1 set.

(c) The user fees in this section do not include any costs that may be incurred due to special mail handling, such as express, overnight, or foreign mailing. If a test requires special mail handling, all costs incurred must be paid by the user as specified in paragraph (a) of this section in addition to the user fee listed in paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 0579-0094)

[58 FR 38959, July 21, 1993, as amended at 61 FR 20435, May 7, 1996]

§ 130.18 User fees for sterilization by gamma radiation.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of a user fee of \$427.75 per can for sterilization by gamma radiation.

(b) The user fees in this section do not include any costs that may be incurred due to special mail handling, such as express, overnight, or foreign mailing. If a test requires special mail handling, all costs incurred must be paid by the user as specified in paragraph (a) of this section in addition to the user fee listed in paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 0579-0094)

[58 FR 38960, July 21, 1993, as amended at 61 FR 20436, May 7, 1996]

§ 130.19 [Reserved]**§ 130.20 User fees for endorsing export health certificates.**

(a) All user fees in this paragraph are for services provided for the endorsement of export health certificates which do not require the verification of tests or vaccinations. The person for whom the service is provided and the person requesting the service are jointly and severally liable for paying the following user fees for each export health certificate⁸ endorsed for the following types of animals, birds, or animal products, regardless of the number of animals, birds, or animal products covered by the certificate.

Certificate categories	User fee
Slaughter animals, of any type, moving to Canada or Mexico	\$24.50
Nonslaughter horses to Canada	26.25
Poultry	21.00
Hatching eggs	21.00
Animal products	21.50
Other endorsements or certifications	16.50

(b)(1) All user fees in this paragraph are for services provided for the endorsement of export health certificates which require the verification of tests or vaccinations. The person for whom the service is provided and the person requesting the service are jointly and severally liable for paying the following user fees for each export health certificate endorsed for animals and birds, depending on the number of animals covered by the certificate and the number of tests required.

Number of tests/vaccinations	Number of animals or birds on certificate	User fee
1–2	First animal	\$52.50
	Each additional animal	3.00
3–6	First animal	64.75
	Each additional animal	5.00
7 or more	First animal	75.75
	Each additional animal	6.00

(2) If an export certificate covers more than one animal, but the number of tests required for different animals are not the same, the user fee for the

⁸An export health certificate may need to be endorsed for an animal being exported from the United States if the country to which the animal is being shipped requires one. APHIS endorses export health certificates as a service.

certificate is the fee which would be due if all the animals on the certificate required the same number of tests as the animal which requires the greatest number of tests.

(c) The user fees prescribed in this section will not apply to an export health certificate if the export health certificate is prepared for endorsement completely at the site of the inspection by an APHIS veterinarian in the course of performing inspection or supervision services for the animals listed on the certificate, and an APHIS user fee is payable under § 130.21 of this part for the inspection or supervision services performed by the veterinarian.

(d) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then reimbursable overtime, as provided for in part 97 of this chapter, must be paid for each service, in addition to the user fee listed in this section.

(Approved by the Office of Management and Budget under control number 0579–0055)

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38958, July 21, 1993. Redesignated at 58 FR 67655, Dec. 22, 1993, and amended at 58 FR 67656, Dec. 22, 1993; 61 FR 20434, 20436, May 7, 1996; 62 FR 61007, Nov. 14, 1997]

§ 130.21 User fees for inspection and supervision services provided within the United States for export animals, birds, and animal products and byproducts.

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for paying the user fees for the following APHIS services provided within the United States for export animals or birds:

- (1) Inspecting an export isolation facility and the animals in it;
- (2) Supervising animal or bird rest periods prior to export;
- (3) Supervising loading or unloading of animals or birds for export shipment;
- (4) Inspecting means of conveyance used to export animals or birds;
- (5) Conducting inspections under authority of part 156 of this chapter;
- (6) Approving or inspecting an embryo or semen collection center or the animals in it; and

(7) Other export or embarkation services not specified elsewhere in this part.

(b) The user fees are charged per each employee required to perform the service:

- (1) \$56.00 per hour; and
- (2) \$14.00 per quarter-hour;
- (3) with a minimum user fee of \$16.50 for any service provided on an hourly basis.

(c) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then the premium user fee rate, as provided for in 9 CFR part 97, in lieu of the user fee listed in paragraph (b) of this section, must be paid for each employee required to perform each service:

- (1) \$65.00 per hour for weekdays and holidays;
- (2) \$16.25 per quarter-hour for weekdays and holidays;
- (3) \$74.00 per hour for Sundays;
- (4) \$18.50 per quarter-hour for Sundays;
- (5) With a minimum of \$16.50.

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579-0094)

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38958, July 21, 1993. Redesignated at 58 FR 67655, Dec. 22, 1993, and amended at 58 FR 67656, Dec. 22, 1993; 61 FR 20436, May 7, 1996]

§ 130.22 User fees for inspection services outside the United States.

(a) If inspection services (including inspection, testing, and supervision services) are performed outside the United States, in accordance with this title, and the regulations do not contain a provision for payment of the cost of the service, the person requesting the service must pay a user fee under this section.

(b) Any person who wants APHIS to provide inspection services outside the United States must contact the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737-1231, to make an agreement.

(c) All agreements must include the following:

- (1) Name, mailing address, and telephone number of either the person re-

questing the inspection services, or his or her agent;

(2) Explanation of inspection services to be provided, including the regulations in title 9, Code of Federal Regulations which provide for the services;

(3) Date(s) and time(s) the inspection services are to be provided;

(4) Location (including street address) where inspection services are to be provided;

(5) An estimate of the actual cost, as calculated by APHIS, to provide the described inspection services for 6 months;

(6) A statement that APHIS agrees to provide the inspection services;

(7) A statement that the person requesting the inspection services, or, if appropriate, his or her agent, agrees to pay, at the time the agreement is entered into, a user fee equal to the estimated cost of providing the described inspection services for 6 months; and

(8) A statement that the person requesting the inspection services, or, if appropriate, his or her agent, agrees to maintain a user fee payment account equal to the cost of providing the described inspection services for 6 months, as calculated monthly by APHIS.

(d) APHIS will enter into an agreement only if qualified personnel can be made available to provide the inspection services.

(e) An agreement can be terminated by either party on 30 days written notice.

(f) If, at the time an agreement is terminated, any unobligated funds remain in the user fee payment account, APHIS will refund the funds to the person who requested the inspection services, or his or her agent.

[57 FR 771, Jan. 9, 1992. Redesignated at 58 FR 67655, Dec. 22, 1993; 59 FR 67617, Dec. 30, 1994]

§§ 130.23—130.48 [Reserved]

§ 130.49 Exemptions.

(a) *Veterinary diagnostics.* User fees for veterinary diagnostic services, including, but not limited to, tests and diagnostic reagents specified in §§ 130.14 through 130.18, are not charged under the following conditions:

(1) When veterinary diagnostic services are provided in connection with Federal programs to control or eradicate diseases or pests of livestock or poultry in the United States (program diseases);

(2) When veterinary diagnostic services are provided in support of zoonotic disease surveillance when the Administrator has determined that there is a significant threat to human health; and

(3) When veterinary diagnostic reagents are distributed within the United States for testing for foreign animal diseases.

(b) [Reserved]

[62 FR 61007, Nov. 14, 1997]

§ 130.50 Payment of user fees.

(a) All user fees must be paid as follows:

(1) User fees for animals and birds in an Animal Import Center or privately operated permanent import-quarantine facilities, including user fees for tests conducted on these animals or birds, must be paid at the time the animals or birds are released from quarantine;

(2) User fees for animals or birds in privately-operated temporary import-quarantine facilities, including user fees for tests conducted on these animals or birds, must be paid at the time the animals or birds are released from quarantine.

(3) User fees for supervision and inspection services specified in § 130.21 must be paid when billed, or, if covered by a compliance agreement signed in accordance with 9 CFR part 156, must be paid when specified in the agreement;

(4) User fees for export health certificates must be paid either prior to receipt of endorsed certificates or when billed. Payment prior to receipt of endorsed certificates must continue until APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed;

(5) User fees for tests, other than reference assistance tests, on samples submitted to NVSL or FADDL, and user fees for diagnostic reagents, slide sets, tissue sets, and sterilization by gamma radiation, must be paid when the test, diagnostic reagent, slide set,

tissue set, or sterilization is requested, unless APHIS determines that the user has established an acceptable credit history, at which time payment may, at the option of the user, be made when billed;

(6) User fees for reference assistance tests must be paid when billed;

(7) User fees for live animals presented for importation at a port of entry must be paid either when presented or when billed;

(8) User fees for inspection and permit services listed in § 130.8 must accompany the request for service;

(9) User fees assessed at an hourly rate under § 130.9 must be paid when the service is provided or within the time specified in the bill.

(b) User fees may be paid by the following methods:

(1) Cash, if payment is made at an area office⁹ or an Animal Import Center;

(2) All types of checks, including traveler's checks drawn on a U.S. bank in U.S. dollars and made payable to the U.S. Department of Agriculture or USDA;

(3) Money orders drawn on a U.S. bank in U.S. dollars and made payable to the U.S. Department of Agriculture or USDA; or

(4) Credit cards (VISA™ or MasterCard™) if payment is made at an Animal Import Center or an APHIS office that is equipped to process credit cards.⁹

(c) Payment must be for the exact amount due.

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38960, July 21, 1993; 58 FR 67656, Dec. 22, 1993; 59 FR 67617, Dec. 30, 1994; 61 FR 20434, 20436, May 7, 1996]

§ 130.51 Penalties for nonpayment or late payment of user fees.

(a) If any person for whom the service is provided or the person requesting the service fails to pay when due, any debt to APHIS, including any user fee

⁹A list of Animal Import Centers and APHIS offices that accept cash or credit cards may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231.

due under title 7 or title 9, Code of Federal Regulations, then:

(1) Payment must be made for subsequent user fees before the service is provided if:

(i) For unbilled fees, the user fee is unpaid 60 days after the date the pertinent regulatory provision indicates payment is due;

(ii) For billed fees, the user fee is unpaid 60 days after date of bill;

(iii) The person requesting the service has not paid the late payment penalty or interest on any delinquent APHIS user fee; or

(iv) Payment has been dishonored;

(2) APHIS will estimate the user fee to be paid; any difference between the estimate and the actual amount owed to APHIS will be resolved as soon as reasonably possible following the delivery of the service, with APHIS returning any excess to the payor or billing the payor for the amount due;

(3) The prepayment must be in guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the debtor pays the delinquent debt;

(4) Cash payments will be accepted only at a location designated by the APHIS employee during normal business hours; and

(5) Service will be denied until the debt is paid if:

(i) For unbilled fees, the user fee is unpaid 90 days after the date the pertinent regulatory provision indicates payment is due;

(ii) For billed fees, the user fee is unpaid 90 days after date of bill;

(iii) The person requesting the service has not paid the late payment penalty or interest on any delinquent APHIS user fee; or

(iv) Payment has been dishonored.

(b) If APHIS is in the process of providing a service for which an APHIS user fee is due, and the user has not paid the fee within the time required, or if the payment offered by the user is inadequate or unacceptable, then APHIS will take the following action:

(1) If an APHIS user fee is due for animals or birds in quarantine at an Animal Import Center or at a privately-operated import-quarantine facility, APHIS will not release them;

(2) If an APHIS user fee is due for an export health certificate, APHIS will not release the certificate;

(3) If a user fee is due for a test conducted by APHIS, APHIS will not release the test result or any endorsed certificate; and

(4) If a user fee is due for a diagnostic reagent, slide set, tissue set, or sterilization by gamma radiation, APHIS will not release the diagnostic reagent, slide set, tissue set, or sterilized material.

(c) If for unbilled user fees, the user fees are unpaid 30 days after that date the pertinent regulatory provisions indicates payment is due, or if billed, are unpaid 30 days after the date of the bill, APHIS will impose a late payment penalty and interest charges in accordance with 31 U.S.C. 3717.

(d) Animals or birds left in quarantine at an Animal Import Center for more than 30 days after the end of the required quarantine period will be deemed to be abandoned.

(1) After APHIS releases the abandoned animals or birds from quarantine, APHIS may seize them and sell or otherwise dispose of them, as determined by the Administrator, provided that their sale is not contrary to any Federal law or regulation, and may recover all expenses of handling the animals or birds from the proceeds of their sale or disposition.

(2) If animals or birds abandoned in quarantine at an Animal Import Center cannot be released from quarantine, APHIS may seize and dispose of them, as determined by the Administrator, and may recover all expenses of handling the animals or birds from the proceeds of their disposition.

[57 FR 771, Jan. 9, 1992, as amended at 58 FR 38960, July 21, 1993]